FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.715 OF 2005

Office Notes, Office Memoranda appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Order

Mr.V.C.Kotwal with Ms.S.John i/b.
M.P.Savla & Co., for Appellant

Mr.D.J.Khambata with Hemant Sethi, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 31st August, 2005.

P.C.:-

The claim of the petitioner/appellant is for damages and for securing that claim, relief in the nature of attachment before judgment was sought. In the application, averment has been made without disclosing the source of information that the appellant apprehends that the respondent will dispose

of the property. At the end of the application he stated that the affidavit accompanies this application. Perusal of that affidavit accompanied with the application shows that in the affidavit no such averment is made. Therefore, the basic requirement of stating on oath the alleged apprehension of the appellant, is also not complied with. In this view of the matter therefore, I do not see any justification in interfering with the interim order. The appeal is disposed of.